

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|----------|--------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:12-CR-58 |
| | : | |
| v. | : | (Chief Judge Conner) |
| | : | |
| FAREED RAY, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 10th day of March, 2016, upon consideration of the correspondence from defendant Fareed Ray’s (“Ray”) counsel, appointed by the United States Court of Appeals for the Third Circuit to represent Ray on appeal, wherein counsel requests the court to reconsider its prior order (Doc. 377) denying Ray’s *pro se* motion (Doc. 376) for appointment of counsel as moot, and it appearing that the United States Attorney has tendered newly discovered Brady material in Ray’s case, see Brady v. Maryland, 373 U.S. 83 (1963), and that, following review of this material, appellate counsel recommends that this court appoint counsel for Ray to examine whether grounds exist for filing a motion for a new trial pursuant to Federal Rule of Criminal Procedure 33, see FED. R. CRIM. P. 33, and the court noting that “[w]hen new evidence is discovered while a case is on appeal, a defendant may bring a motion for a new trial in the district court under Federal Rule of Criminal Procedure 33,” United States v. Mendoza, 334 F. App’x 515, 519 (3d Cir. 2009) (nonprecedential) (citing United States v. Graciani, 61 F.3d 70, 77-78 (1st Cir. 1995)); see United States v. Cronic, 466 U.S. 648, 667

n.42 (1984), and the court construing the correspondence from Ray's appellate counsel as a motion for reconsideration, it is hereby ORDERED that:

1. The correspondence from appellate counsel is CONSTRUED as a motion for reconsideration and is GRANTED as so construed.
2. Jonathan W. Crisp, Esquire, Crisp & Associates, LLC, 4031 N. Front Street, Harrisburg, Pennsylvania 17110, telephone number (717) 412-4676, is appointed to represent Ray in the above-captioned case pursuant to 18 U.S.C. § 3006A.
3. The Clerk of Court is directed to forward all necessary materials to Jonathan W. Crisp, Esquire, as soon as possible.
4. The Clerk of Court is directed to serve a copy of this order on the United States Attorney.
5. The United States Attorney is directed to provide all newly discovered evidence in Ray's case to Jonathan W. Crisp, Esquire, as soon as possible.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania